

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:07-00042

DAVID RHODES

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On August 23, 2017, the United States of America appeared by Joshua C. Hanks, Assistant United States Attorney, and the defendant, David Rhodes, appeared in person and by his counsel, Rhett H. Johnson, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Justin L. Gibson. The defendant commenced a five-year term of supervised release in this action on May 1, 2012, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on January 11, 2008.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant committed the federal and state offense of delivery of methamphetamine as evidenced by his guilty plea in the Circuit Court of Roane County, West Virginia, for which he was sentenced to a term of two to ten years imprisonment; (2) the defendant used and possessed controlled substances as evidenced by positive urine specimens submitted by him on November 13, 2013, for amphetamine and methamphetamine and on July 15, 2014, for methamphetamine; and (3) the defendant associated with a person engaged in criminal activity inasmuch as on November 21, 2013, the probation officer conducted a home visit and observed what appeared to be two burnt marijuana cigarettes located in plain view, the defendant having advised that they belonged to his girlfriend and that he was aware of her use of a controlled substance; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of

supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

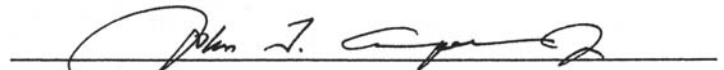
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term of fifty-four (54) months of supervised release upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts (National Form AO 245B), the standard conditions as set forth in Local Rule 32.3 and the special condition that he participate in drug abuse counseling and treatment as directed by the probation officer. The defendant's travel is restricted to the Southern District of West Virginia, except that the defendant is

permitted to reside and travel within Calhoun County, West Virginia, located in the Northern District of West Virginia.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 28, 2017

  
John T. Copenhaver, Jr.  
United States District Judge